

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

UNITED STATES OF AMERICA

v.

Aaron D. Montaglione

**AMENDED ORDER SETTING CONDITIONS
OF RELEASE**

FILED 22 AUG '11 08:41 USDC-ORF

Case Number: CR10-86BR

IT IS ORDERED that the release of the defendant is subject to the following conditions:

- (1) The defendant shall not commit any offense in violations of federal, state or local law while on release in this case.
- (2) The defendant must cooperate in the collection of a DNA sample if the collection is authorized by 42 U.S.C § 14135a.
- (3) The defendant shall immediately advise the court, defense counsel and the U.S. attorney in writing of any change in address and telephone number.
- (4) The defendant shall appear at all proceedings as required and shall surrender for service of sentence on **November 7, 2011 unless otherwise directed by the Court.**

Additional Conditions of Release

IT IS FURTHER ORDERED that the defendant be released provided that the defendant:

- Report **at least once a week in person** to the U.S. Pretrial Services office unless directed otherwise.
 - Do not change place of residence without the prior approval of U.S. Pretrial Services.
 - Travel is limited to **Multnomah County, OR** unless prior approval is obtained from U.S. Pretrial Services.
 - Avoid all contact with persons, who are considered either alleged victims or potential witnesses:
 - The defendant shall be monitored by the form of location monitoring indicated below and shall abide by all technology requirements. The participant shall pay all or part of the costs of participation in the location monitoring program as directed by the court and/or the pretrial services officer.
 - () Radio Frequency (RF) Monitoring
 - (X) Active GPS Monitoring (including hybrid GPS)
- This form of location monitoring technology shall be utilized to monitor the following restriction on the defendant's movement in the community and/or other court-imposed conditions of release:
- () You are restricted to your residence every day () from _____ to _____, or (X) as directed by the supervising officer (Curfew)
 - () You are to maintain an accurate daily activity form and submit this form to Pretrial Services as directed
 - () You are restricted to your residence at all times except for employment; education; religious services; medical, substance abuse, or mental health treatment, attorney visits; court appearances; court-ordered obligations; or other activities as pre-approved by the officer (Home Detention)
 - () You are restricted to your residence at all times except for medical necessities and court appearances or other activities specifically approved by the court (Home Incarceration)
- Comply with the following curfew: As directed by Pretrial Services
 - Not directly or indirectly use or possess a computer or electronic media, including PDA (personal digital assistant) and cellular phones, with internet access capabilities or access a computer or electronic media, without the prior approval of Pretrial Services. Defendant shall also not access internet bulletin board systems, or private or public computer networks without prior approval of Pretrial Services.
 - Not possess, obtain or view material which depicts sexually explicit conduct as defined by Title 18 USC 2256.
 - The defendant is to pay a percentage of all fees for services obtained while under Pretrial Services Supervision.
 - Surrender any passport to Pretrial Services or submit a statement to Pretrial Services that the defendant no longer possesses a passport. The defendant is not to obtain a new passport.
 - The defendant shall not possess or utilize a camera at any event or location where minor children are present
 - The defendant shall not possess or utilize a phone with camera capabilities.
 - Participate in mental health counseling at the direction of U.S. Pretrial Services. **These individual counseling sessions should occur at least twice a week as suggested by the recent psychological evaluation. The defendant shall sign all releases of information forms to allow open communication between Pretrial Services and the counselor. Pretrial Services shall contact the counselor on a weekly basis for updates.** The defendant is also to take all medications as prescribed and participate in medication monitoring if directed by Pretrial Services

• **The defendant shall attend the Prison and Beyond Program as directed by Pretrial Services.**

Advice of Penalties and Sanctions

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

A violation of any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of release, an order of detention and a prosecution for contempt of court and could result in a term of imprisonment, a fine, or both.

The commission of any crime while on pre-trial release may result in an additional sentence to a term of imprisonment of not more than ten years, if the offense is a felony; or a term of imprisonment of not more than one year, if the offense is a misdemeanor. This sentence shall be in addition to any other sentence.

Federal law makes it a crime punishable by up to five years of imprisonment, and a \$250,000 fine or both to intimidate or attempt to intimidate a witness, victim, juror, informant or officer of the court, or to obstruct a criminal investigation. It is also a crime punishable by up to ten years of imprisonment, a \$250,000 fine or both, to tamper with a witness, victim or informant, or to retaliate against a witness, victim or informant, or to threaten or attempt to do so.

If after release, you knowingly fail to appear as required by the conditions of release, or to surrender for the service of sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more, you shall be fined not more than \$250,000 or imprisoned for no more than ten years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years, you shall be fined not more than \$250,000 or imprisoned for no more than five years, or both;
- (3) any other felony, you shall be fined not more than \$250,000 or imprisoned no more than two years, or both;
- (4) a misdemeanor, you shall be fined not more than \$100,000 or imprisoned not more than one year, or both;

A term of imprisonment imposed for failure to appear or surrender shall be in addition to the sentence for any other offense. In addition, a failure to appear may result in the forfeiture of any bond posted.

Acknowledgment of Defendant

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and to surrender for service of any sentence imposed. I am aware of the penalties and sanctions set forth above.



Signature of Defendant

Portland OR 97206

City, State & Zip

Special Needs Finding:

Based upon the above conditions, including the conditions relating to:

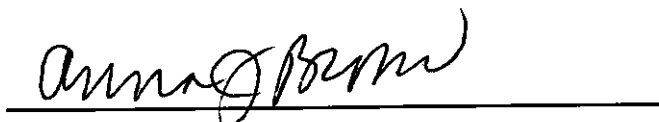
- ☐ Alcohol detection
- ☐ Drug detection
- ☐ Computer monitoring

The Court is reasonably assured the defendant will appear as directed and not pose a danger to the community or any other person.

Directions to the United States Marshal

- ☒ The defendant is ORDERED released after processing.
- ☐ The United States Marshal is ORDERED to keep the defendant in custody until notified by the clerk, Pretrial Services or judicial officer that the defendant has posted bond and/or complied with all other conditions for release including space availability at a community corrections center or residential treatment facility. If still in custody, the defendant shall be produced before the duty Magistrate Judge on _____ at _____.

Date: August 19, 2011



Signature of Judicial Officer

Anna J. Brown
U.S. District judge